

# VILLAGE OF OTTAWA HILLS, OHIO

## ORDINANCE No. 2009-2

AN ORDINANCE ENACTING SECTION 90.26 OF THE OHIO BASIC CODE TO RESTRICT THE FEEDING OF DEER WITHIN THE VILLAGE OF OTTAWA HILLS.

WHEREAS, the supplemental feeding of deer can enhance reproductive rates, foster the transmission of disease, encourage deer to concentrate in specific areas and make deer more tolerant of people, and

WHEREAS, the supplemental feeding of deer can contribute to an artificially high deer population, and

WHEREAS, it is the desire of the Village Council to establish restrictions on feeding of deer within the Village of Ottawa Hills as part of a deer management program.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OTTAWA HILLS, OHIO, THAT:

SECTION 1. Section 90.26 of the Municipal Code of ordinances which is to be added to the Municipal Code of ordinances shall read as follows.

### 90.26 RESTRICTIONS ON THE FEEDING OF DEER

(A) Deer feeding prohibited. Except as provided in paragraph (D) below no person shall intentionally feed deer within the Village of Ottawa Hills

(B) Feeding defined For the purposes of this section, feeding shall include the act of placing or permitting to be placed on the ground, or within five feet of the ground, any device or any fruits, grains, minerals, plants, salt licks, vegetables, seeds, nuts, hay, or any other edible materials that may reasonably be expected to result in deer feeding, unless such devices are screened or otherwise protected from deer consumption.

The presumption that the placement of any fruits, grains, minerals, plants, salt licks, vegetables, seeds, nuts, hay or any other edible materials is for the purpose of feeding deer shall not apply to the following:

1. Naturally growing materials, including but not limited to fruit, grain, nuts, seeds, hay, and vegetables.
2. Planted materials growing in gardens, as standing crops, or in a wildlife food plot.
3. Residue from lawns, gardens & other vegetable materials maintained as a mulch pile.
4. Stored crops, provided that the crop is not intentionally made available to deer.
5. Spills of seed materials intended for planting or crop materials that have been harvested if the spills are incidental to normal agricultural operations and such materials are not intentionally made available to deer.
6. Unmodified, commercially-purchased bird or squirrel feeders or their equivalent.
7. Temporary, seasonal or ornamental decorations as determined by the Village Manager.

(C) Removal Required. Each property owner shall have the duty to remove any device or materials placed on the owner's property in violation of this section. Alternatively, a property owner may modify such a device or make other changes to the property that prevent deer from having access to the materials or feeding from the device. Failure to

remove such materials or to make such modifications within twenty-four (24) hours after notice from the Village shall constitute a separate violation.

(D) Exceptions to Prohibition.

1. The prohibition in paragraph (a) shall not apply to any health department employee, law enforcement officer or state or federal game official acting within the scope of his or her official duties.
2. The prohibition in paragraph (a) shall not apply to feeding that is authorized by the Village Manager on an emergency basis, or authorized as part of a deer management program.

(E) Whoever violates this section is guilty of a minor misdemeanor for the first offense; each subsequent offense is a misdemeanor of the fourth degree.

SECTION 2. It is hereby found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were adopted in open meetings, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 3. This legislation shall be effective from and after the earliest period allowed by law.

\_\_\_\_\_  
Date of passage

\_\_\_\_\_  
President of Council

Attest:

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Clerk of Council

**DRAFT**